

Serial No. 09/782,304

KLEMM, Klaus

0732/000031

In light of the foregoing and the attached, the following rejections which were raised by the Examiner are obviated:

- 1) The rejection of Claims 18 and 19 under 35 U.S.C. §103(a) as being unpatentable in light of the teaching of *Sharp et al.* (US 5,373,715). As noted, Claim 18 as herewith presented includes the provisions of Claim 21, and Claim 19 depends upon Claim 18 and therefore incorporates the pertinent matter by reference.²⁾
- 2) The rejection of Claims 1-2, 7, 14-15, 20, 25-26, 28 and 31-33 under 35 U.S.C. §103(a) as being unpatentable in light of the teaching of *Sharp et al.* (ibid.) when taken in view of the disclosure of *Cresham* (GB 2,272,913). As noted, Claims 1 and 28 as herewith presented include the provisions of Claim 5 and Claim 21, respectively. Claims 2, 7, 14 and 15, depend either directly or indirectly upon Claim 1, and Claims 31 to 33 depend either directly or indirectly upon Claim 28, and therefore incorporate the pertinent matter by reference. Claims 20, 25 and 26 depend upon Claim 18, ie. former Claim 21, and should also be non-obvious in light of the respective references since former Claim 21 was not included by the Examiner based in the respective rejection.
- 3) The rejection of Claims 18 and 19 under 35 U.S.C. §103(a) as being unpatentable in light of the teaching of *Durazzani* (US 5,419,164) when taken in view of the disclosure of *Sharp et al.* (ibid.). As noted, Claim 18 as herewith presented includes the provisions of Claim 21, and Claim 19 depends upon Claim 18 and therefore incorporates the pertinent matter by reference.
- 4) The rejection of Claims 1-3, 7, 14-15, 20, 25 and 26 under 35 U.S.C. §103(a) as being unpatentable in light of the teaching of *Durazzani* (ibid.) when taken in view of the disclosure of *Cresham* (ibid.) and of *Sharp et al.* (ibid.). As noted, Claim 1 as herewith presented includes the provisions of Claim 5, and Claims 2-3, 7, 14 and 15, depend either directly or indirectly upon Claim 1 and therefore incorporate the pertinent matter by reference. Claims 20, 25 and 26 depend upon Claim 18, ie. former Claim 21, and should also be non-obvious in light of the respective references

2) If an independent claim is non-obvious under 35 U.S.C. §103, then any claim depending therefrom is non-obvious (*In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

Serial No. 09/782,304

KLEMM, Klaus

0732/000031

since former Claim 21 was not included by the Examiner based in the respective rejection.

- 5) The rejection of Claims 28-29 and 31-33 under 35 U.S.C. §103(a) as being unpatentable in light of the teaching of *Durazzani* (*ibid.*) when taken in view of the disclosure of *Cresham* (*ibid.*). As noted, Claim 28 as herewith presented includes the provisions of Claim 30, and Claims 29 and 31 to 33, depend either directly or indirectly upon Claim 28 and therefore incorporate the pertinent matter by reference.

It is therefore respectfully requested that the rejections enumerated in the foregoing be withdrawn. Favorable action is solicited.

In addition to the rejections enumerated in the foregoing, the Examiner rejected

- (a) Claims 5 (now Claim 1), 6, 21 (now Claim 18), 22 and 30 (now Claim 28) under 35 U.S.C. §103(a) as being unpatentable in light of the teaching of *Sharp et al.* (*ibid.*), or the combined teachings of *Sharp et al.* and of *Cresham* (*ibid.*), when taken in view of the disclosure of *Ebert et al.* (DE 197 22 339);
- (b) Claims 5 (now Claim 1), 6, 21 (now Claim 18) and 22 under 35 U.S.C. §103(a) as being unpatentable in light of the combined teachings of *Durazzani* (*ibid.*) and of *Sharp et al.* (*ibid.*), or the combined teachings of *Durazzani* (*ibid.*), of *Sharp et al.* and of *Cresham* (*ibid.*), when taken in view of the disclosure of *Ebert et al.* (*ibid.*); and
- (c) Claim 30 (now Claim 28) under 35 U.S.C. §103(a) as being unpatentable in light of the combined teachings of *Durazzani* (*ibid.*) and of *Cresham* (*ibid.*), when taken in view of the disclosure of *Ebert et al.* (*ibid.*).

In either one of these rejections, the Examiner employed the disclosure of *Ebert et al.* for showing the use of a laminate made from a decorative layer and a heat cured layer applied to a polypropylene core. The Examiner asserted that the reference disclosed that the make-up of the laminate provided for high temperature resistance, high moisture resistance and better strength, and that a person of ordinary skill in the art would therefore have been motivated to employ the laminate make-up in the context of the articles addressed

Serial No. 09/782,304

KLEMM, Klaus

0732/000031

in the primary reference(s).³⁾

Applicants respectfully urge that the Examiner's interpretation of the disclosure of Ebert et al., and the conclusion based on the Examiner's interpretation, are in error.

The disclosure of Ebert et al. relates to composite materials comprising a decorative layer and a surface which is resistant against mechanical influences,⁴⁾ where the background art provides for composites having, as core materials, wood, wood-like compositions or paper based materials which have the tendency to swell under the influence of moisture.⁵⁾ The problem incurred in the swelling of the core materials of the background art composites is resolved, in accordance with Ebert et al.'s disclosure, by employing a polypropylene as core material instead of wood, wood-like compositions or paper based materials.⁶⁾ In addition to improving the moisture resistance of the background art laminates, Ebert et al. seek surfaces for the laminate which are resistant against environmental impacts such as burning cigarettes or chemicals, which are wear resistant and which exhibit compressive strength.⁷⁾ Ebert et al. obtain the requisite surface properties by employing a heat-hardened surface layer⁸⁾ which is composed of a duroplastic resin which is cross-linked under the influence of heat.⁹⁾ Ebert et al. further provide that the composites are suitable for applications such as floor panels and wall panels.¹⁰⁾

The moisture resistance of Ebert et al.'s laminates which was noted by the Examiner in his argument is, accordingly, high when taken in relation to composites which comprise wood, wood-like or paper based core materials. Moreover, any high temperature resistance or better strength properties which the Examiner assign to Ebert et al.'s laminates are, at best, surface properties which flow from the resistance of the surface layer against environmental impacts such as burning cigarettes and from the wear resistance and the compressive strength of the surface layer.

3) Cf. page 5, lines 1 to 8, page 7, line 20, to page 8, line 5, and page 9, lines 5 to 12, of the Office action.

4) Cf. page 2, indicated lines 3 and 4, of DE 197 22 339.

5) Cf. page 2, indicated lines 5 to 9, of DE 197 22 339.

6) Cf. page 2, indicated lines 21 to 23, of DE 197 22 339.

7) Cf. page 2, indicated lines 17 to 20, of DE 197 22 339.

8) Cf. page 2, indicated line 23, of DE 197 22 339.

9) Cf. page 2, indicated lines 37 to 40, of DE 197 22 339.

10) Cf. page 2, indicated lines 60 to 62, of DE 197 22 339.

Serial No. 09/782,304

KLEMM, Klaus

0732/000031

Applicants' invention relates to a tub or drum as used for example in washing machines the construction of such tubs or drums requires special considerations because of the particular conditions under which the tubs or drums are used.¹¹⁾ To name a few of the pertinent problems,

- the tubs or drums have to be stable under high rotational spin speeds and the vibrations occurring during spin;
- the tubs or drums have to be stable against centrifugal forces created by the load when the load is evenly distributed, and
- the tubs or drums have to be stable against localized imbalances which result when the load is unevenly distributed,

and it is the rigidity and the strength of the tubs or drums which are therefore the focus of avoiding problems arising from the particular environment in which the articles are used.

In contrast to applicants' invention, the disclosure of *Ebert et al.* pertains to floor panels and wall panels. The respective reference is, therefore, clearly outside of the field of applicants' endeavor. Moreover, the disclosure of *Ebert et al.* lacks any reasonably pertinence to the particular problem with which the inventors were involved, ie. providing a drum which is capable of operating at increased spin rotation rates and/or with an increased unbalanced mass.¹²⁾ The disclosure of *Ebert et al.* is, accordingly, non-analogous art, and a combination of references is improper under Section 103(a) if one of the references is non-analogous art.¹³⁾ If a cited reference is non-analogous art, it has no bearing on the obviousness of the claimed invention.¹⁴⁾ The Examiner's rejections of applicants' Claims 5 (now Claim 1), 6, 21 (now Claim 18), 22 and 30 (now Claim 28) are therefore in error to the extent the Examiner's reliance on the the disclosure of *Ebert et al.* was improper.

The Examiner stated, concerning (a), that "*Sharp et al or Sharp et al and Cresham disclose the claimed invention except for the use of a laminate made from a decorative layer and a heat cured layer*

11) Cf. e.g. col. 1, indicated line 12, to col. 3, indicated line 20, of US 5,373,715; col. 1, indicated line 5, to col. 2, indicated line 30, of US 5,419,564; and page 1, indicated lines 11 to 15, of GB 2,272,913. Cf. also page 1, indicated line 40, to page 2, indicated line 31, of the application.

12) Cf. page 2, indicated lines 33 to 37, of the application.

13) Cf. *In re Clay*, 966 F.2d 656, 23 USPQ2d 1058 (Fed. Cir. 1992).

14) Cf. *Jurgens v. McKasy*, 927 F.2d 1552, 18 USPQ2d 1031 (Fed. Cir. 1991), cert. denied, 502 U.S. 902 (1991).

Serial No. 09/782,304

KLEMM, Klaus

0732/000031

applied to the inner and outer walls,"¹⁵⁾ and concerning (b) and (c), that "Durazzani and Cresham disclose the claimed invention but do not teach the use of a laminate made from a decorative layer and a heat cured layer applied to the inner and outer walls."¹⁶⁾ However, three basic criteria have to be met in order to establish a *prima facie* case of obviousness and one of those criteria is that the prior art reference or the combined references must teach or suggest all of the claim limitations.¹⁷⁾ The Examiner's statements confirm that the primary references taken alone or taken in combination with each other fail to teach or suggest the limitations of applicants' claims.¹⁸⁾ It follows that the respective references, including any combination of the references, fail to establish that applicants' invention as defined in Claims 5 (now Claim 1), 6, 21 (now Claim 18), 22 and 30 (now Claim 28) is unpatentable under the provisions of Section 103(a). It is therefore respectfully urged that the rejections enumerated in the foregoing as issues (a) through (c) be withdrawn. Favorable action is solicited.

Previous Claims 5, 18 and 30 are, in accordance with the claims herewith presented by applicants, now independent Claims 1, 18 and 28. All other pending claims depend upon one of those independent claims and incorporate the pertinent matter by reference. The claims which are herewith presented by applicants are, in light of the foregoing, allowable under the pertinent provisions of the Patent Act, and the application should be in condition for allowance. Early action by the Examiner would be greatly appreciated by applicants.

REQUEST FOR EXTENSION OF TIME:

It is respectfully requested that a one month extension of time be granted in this case. The respective \$120.00 fee is paid by credit card (Form PTO-2038 enclosed).

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit

15) Page 4, line 21, to page 5, line 1, of the Office action.

16) Page 7, lines 17 to 19, and page 9, lines 3 to 5, of the Office action.

17) *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438, 1442 (Fed. Cir. 1991).

18) As concerns the teachings of *Durazzani* and *Cresham* applicants also respectfully refer to the remarks presented in the reply of February 2, 2006, in particular on pages 3 to 5. The respective reply is herewith incorporated herein by reference.

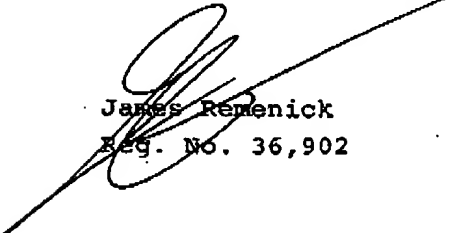
Serial No. 09/782,304

KLEMM, Klaus

0732/000031

Account No. 14.1437. Please credit any excess fees to such deposit account.

Respectfully submitted,
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Encl.: CLAIM AMENDMENTS (Appendix I)

JR/BAS